

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

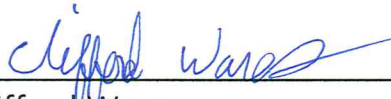
UNITED STATES OF AMERICA vs. CLIFFORD WARES	Criminal No. 15-cr-570 (ES) Affidavit of Clifford Wares in support of his motion to suppress post arrest statements
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Clifford Wares, of full age, duly sworn according to law, deposes on his oath and says:

1. I am the defendant in the above captioned matter. I make this affidavit in support of my motion to suppress my post arrest statements made to a detective from the Passaic County Sherriff's Office.
2. I was arrested by the New York State Police on November 3, 2011 in Smith Clove Park, Monroe, New York.
3. After my arrest on November 3, 2011 I was transported from the Monroe New York State Police Barracks to the Highland New York State Police Barracks by the New York State Police.

4. According to the July 31, 2012 Passaic County Sheriff's Office Investigation Report (pretrial motions brief Exhibit 1) Passaic County Sheriff's Officer Detective Javier Custodio claims "I traveled with [NY State] Investigator Salomon and sat in the rear of the vehicle with Clifford Wares"
5. Det. Custodio additionally claims in his report that he "advised me of my Miranda Rights and I asked if he understood his right? He replied 'yes'" and that I proceeded to make post arrest statements.
6. Det. Custodio's above statements are untrue.
7. Det. Custodio did not travel with me when I was transported to the Highland Barracks.
8. Det. Custodio and/or Det. John Pesenti attempted to question me when I was in custody on November 3, 2011 in the Monroe Barracks, however, I refused to answer any of their questions and requested an attorney.
9. Det. Custodio he did not read me my Miranda Rights while I was being transported by the New York Police from the Monroe Barracks to the Highlands Barracks.
10. I did not tell Det. Custodio I understood my Miranda Rights.
11. I did not make any post arrest statements to Det. Custodio.

12. For the reasons stated above, I am entitled to a hearing to determine if my alleged post arrest statements should be suppressed.


Clifford Wares

Dated: 4-13-16